



**Billing Code 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

**[Docket ID FEMA-2012-0003]**

**[Internal Agency Docket No. FEMA-B-1213]**

**Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule; correction.

**SUMMARY:** On August 25, 2011, FEMA published in the Federal Register a proposed rule that contained an erroneous table. On October 4, 2011, a correction to that original notice was published in the Federal Register. This notice provides corrections to that initial table and the correction notice, to be used in lieu of the information published at 76 FR 53082 and at 76 FR 61295. The table provided here represents the flooding sources, location of referenced elevations, effective and modified elevations, and communities affected for Smith County, Texas, and Incorporated Areas. Specifically, it addresses the flooding sources: Black Fork Creek, Black Fork Creek Tributary BF-1, Black Fork Creek Tributary BF-M-1, Black Fork Creek Tributary D, Black Fork Creek Tributary D-1, Black Fork Creek Tributary D-2, Black Fork Creek Tributary D-3, Butler Creek, Gilley Creek, Gilley Creek Tributary G-1, Harris Creek, Henshaw Creek, Indian Creek, Ray Creek, Shackleford Creek, West Mud Creek, West Mud Creek Tributary 11, West Mud Creek Tributary B, West Mud Creek Tributary M-1, West Mud Creek Tributary M-2, West Mud Creek Tributary M-A, West Mud Creek Tributary M-A.1, West Mud Creek

Tributary M-A.2, West Mud Creek Tributary M-C, West Mud Creek Tributary M-C.1, West Mud Creek Tributary M-C.2, Wiggins Creek, and Willow Creek.

**DATES:** Comments are to be submitted on or before [INSERT DATE 90 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may submit comments, identified by Docket No. FEMA-B-1213, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064 or (e-mail) [luis.rodriguez3@fema.dhs.gov](mailto:luis.rodriguez3@fema.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064 or (e-mail) [luis.rodriguez3@fema.dhs.gov](mailto:luis.rodriguez3@fema.dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) publishes proposed determinations of Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs for communities participating in the National Flood Insurance Program (NFIP), in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are minimum requirements. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management

requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

### **Correction**

In the proposed rule published at 76 FR 53082, in the August 25, 2011 issue of the Federal Register, and in the correction notice published at 76 FR 61295, in the October 4, 2011 issue, FEMA published a table and its corrections under the authority of 44 CFR 67.4. The table, entitled “Smith County, Texas, and Incorporated Areas” addressed the flooding sources: Black Fork Creek, Black Fork Creek Tributary BF-1, Black Fork Creek Tributary BF-M-1, Black Fork Creek Tributary D, Black Fork Creek Tributary D-1, Black Fork Creek Tributary D-2, Black Fork Creek Tributary D-3, Black Fork Creek Tributary D-4, Black Fork Creek Tributary D-5, Butler Creek, Gilley Creek, Gilley Creek Tributary G-1, Harris Creek, Henshaw Creek, Indian Creek, Ray Creek, Shackleford Creek, West Mud Creek, West Mud Creek Tributary 11, West Mud Creek Tributary B, West Mud Creek Tributary M-1, West Mud Creek Tributary M-2, West Mud Creek Tributary M-A, West Mud Creek Tributary M-A.1, West Mud Creek Tributary M-A.2, West Mud Creek Tributary M-C, West Mud Creek Tributary M-C.1, West Mud Creek Tributary M-C.2, Wiggins Creek, and Willow Creek. That table contained inaccurate information as to the location of referenced elevation, effective and modified elevation in feet, and/or communities affected for the flooding sources: Black Fork Creek Tributary D, Black Fork Creek Tributary D-1, Black Fork Creek Tributary D-2, Black Fork Creek Tributary D-3, Harris Creek, Indian Creek, Shackleford Creek, West Mud Creek, West Mud Creek Tributary 11, West Mud Creek Tributary B, West Mud

Creek Tributary M-1, West Mud Creek Tributary M-A.1, West Mud Creek Tributary M-A.2, West Mud Creek Tributary M-C, West Mud Creek Tributary M-C.1, West Mud Creek Tributary M-C.2, and Willow Creek. The table also contained two flooding sources, Black Fork Creek Tributary D-4 and Black Fork Creek Tributary D-5, which were removed from the original publication. In this notice, FEMA is publishing a table containing the accurate information, to address these prior errors. The information provided below should be used in lieu of that previously published.

Smith County, Texas, and Incorporated Areas				
		*Elevation in feet (NGVD)		
		+Elevation in feet (NAVD)		
		#Depth in feet above ground		
		^Elevation in meters (MSL)		
Flooding source(s)	Location of referenced elevation**	Effective	Modified	Communities affected
Black Fork Creek	Approximately 0.43 mile upstream of the Prairie Creek West confluence	None	+380	City of Tyler, Unincorporated Areas of Smith County
	Approximately 0.71 mile upstream of East 5th Street	+530	+531	
Black Fork Creek Tributary BF-1	At the Black Fork Creek confluence	+434	+436	City of Tyler, Unincorporated Areas of Smith County
	Approximately 1.2 miles upstream of Loop 323	None	+476	
Black Fork Creek Tributary BF-M-1	At the Black Fork Creek confluence	+495	+496	City of Tyler
	Approximately 1,475 feet upstream of Devine Street	None	+523	
Black Fork Creek Tributary D	At the Black Fork Creek confluence	+468	+469	City of Tyler
	Approximately 1,180 feet upstream of East Front Street	+509	+508	
Black Fork Creek Tributary D-1	At the Black Fork Creek Tributary D confluence	+477	+473	City of Tyler
	Approximately 1,770 feet upstream of the Black Fork Creek Tributary D confluence	+477	+479	
Black Fork Creek Tributary D-2	At the Black Fork Creek Tributary D confluence	+488	+487	City of Tyler
	Approximately 1,053 feet upstream of Townsend Avenue	+488	+490	
Black Fork Creek Tributary D-3	At the Black Fork Creek Tributary D confluence	+492	+488	City of Tyler
	At Elm Street	+493	+491	
Butler Creek	Approximately 340 feet upstream of FM 2661	None	+361	City of Tyler, Unincorporated Areas

	Approximately 640 feet upstream of State Route 155	None	+457	of Smith County
Gilley Creek	Approximately 310 feet downstream of FM 848	None	+379	City of Tyler, Unincorporated Areas of Smith County
	Approximately 150 feet upstream of University Boulevard	None	+474	
Gilley Creek	At the Gilley Creek confluence	None	+426	City of Tyler, Unincorporated Areas of Smith County
Tributary G-1	Approximately 1.14 miles upstream of County Road 2120	None	+478	
Harris Creek	Approximately 300 feet upstream of the Ray Creek confluence	None	+329	Unincorporated Areas of Smith County
	Approximately 2.16 miles upstream of FM 850	None	+463	
Henshaw Creek	At the West Mud Creek confluence	+381	+383	Unincorporated Areas of Smith County
	Approximately 0.71 mile upstream of County Road 165	+475	+477	
Indian Creek	Approximately 490 feet upstream of the Lake Palestine confluence	None	+349	City of Tyler, Unincorporated Areas of Smith County
	Approximately 1,950 feet upstream of Loop 323	None	+473	
Ray Creek	Approximately 0.37 mile upstream of the Harris Creek confluence	None	+332	Unincorporated Areas of Smith County
	Approximately 525 feet upstream of Old Gladwater Highway	None	+436	
Shackleford Creek	At the West Mud Creek confluence	+380	+383	City of Tyler, Unincorporated Areas of Smith County
	Approximately 620 feet upstream of Paluxy Drive (FM 756)	None	+481	
West Mud Creek	Approximately 200 feet upstream of FM 344 East	+360	+361	City of Tyler, Unincorporated Areas of Smith County
	Approximately 1,300 feet upstream of Easy Street	+495	+496	
West Mud Creek	At the West Mud Creek confluence	+417	+419	City of Tyler
Tributary 11	Approximately 400 feet upstream of Holly Creek Drive	None	+462	
West Mud Creek	Approximately 125 feet upstream of the West Mud Creek confluence	+468	+467	City of Tyler
Tributary B	Approximately 125 feet upstream of Paluxy Drive	+505	+504	
West Mud Creek	At the West Mud Creek Tributary M-A confluence	+442	+444	City of Tyler
Tributary M-1	Approximately 1,440 feet upstream of Cross Creek Circle	+487	+485	
West Mud Creek	Approximately 425 feet upstream of the West Mud Creek confluence	+464	+463	City of Tyler
Tributary M-2	Approximately 1,510 feet upstream of Barbee Drive	+481	+469	
West Mud Creek	Approximately 200 feet upstream of the West Mud Creek confluence	+445	+444	City of Tyler
Tributary M-A	Approximately 80 feet upstream of Woodland Hills Drive	None	+509	
West Mud Creek	At the West Mud Creek Tributary M-A confluence	+472	+471	City of Tyler
Tributary M-A.1	Approximately 680 feet upstream of Rice Road	+487	+485	

West Mud Creek Tributary M-A.2	At the West Mud Creek Tributary M-A confluence	None	+487	City of Tyler
	Approximately 830 feet upstream of the West Mud Creek Tributary M-A confluence	None	+493	
West Mud Creek Tributary M-C	Approximately 450 feet upstream of the West Mud Creek confluence	+478	+477	City of Tyler
	Approximately 50 feet upstream of Old Jacksonville Highway	None	+530	
West Mud Creek Tributary M-C.1	Approximately 160 feet upstream of the West Mud Creek Tributary M-C confluence	+489	+488	City of Tyler
	Approximately 1,010 feet upstream of New Copeland Road	+490	+491	
West Mud Creek Tributary M-C.2	At the West Mud Creek Tributary M-C confluence	None	+502	City of Tyler
	Approximately 1,000 feet upstream of Old Bullard Road	None	+511	
Wiggins Creek	At the downstream side of the railroad	None	+327	Unincorporated Areas of Smith County
	Approximately 0.83 mile upstream of Harris Creek Church Road	None	+373	
Willow Creek	At the Black Fork Creek confluence	+419	+423	City of Tyler, Unincorporated Areas of Smith County
	Approximately 1.48 miles upstream of Loop 323 North-Northwest	+482	+480	

\*National Geodetic Vertical Datum.

+North American Vertical Datum.

#Depth in feet above ground.

^Mean Sea Level, rounded to the nearest 0.1 meter.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### **ADDRESSES:**

##### **City of Tyler:**

Maps are available for inspection at the Development Services Office, 423 West Ferguson Street, Tyler, TX 75702

##### **Unincorporated Areas of Smith County:**

Maps are available for inspection at the Smith County Courthouse, 100 North Broadway Avenue, Tyler, TX 75702

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: August 8, 2012

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**Sandra K. Knight,**

Deputy Associate Administrator for Mitigation,

Department of Homeland Security,

Federal Emergency Management Agency.

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